



**Cambodia: UN visit ends without decision**  
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**The Cambodian government must stop interfering in the Khmer Rouge tribunal's investigations of two war crimes cases. That's the message from the UN's top legal officer, who wrapped up a visit to Phnom Penh on Friday.**

However the UN remained tight-lipped about whether it would sanction a probe of the investigating judges' office, whose decisions on the two controversial cases – known as Cases 003 and 004 in the court's parlance – have proved a significant embarrassment for the UN-backed court.

The comments from the visiting head of the UN's Office of Legal Affairs, Patricia O'Brien, followed a meeting with Cambodia's Deputy Prime Minister Sok An.

### **Respect**

In a statement released late Thursday, O'Brien said she had told Sok An that the UN insisted that all parties respect the independence of judicial proceedings.

“(I) strongly urged the government to refrain from statements opposing the progress of Cases 003 and 004 and to refrain from interfering in any way whatsoever with the judicial process,” O'Brien said, adding that she had stressed the government's obligation “to cooperate fully” with the tribunal.

For its part the government made no mention of Cases 003 and 004 – both of which it has previously said it will not permit to proceed – and focused instead on the court's first two cases, which Phnom Penh does support.

“(Sok An) emphasised the need for decision makers on both sides to discharge their responsibilities without allowing themselves to be distracted by intense speculation, pressure and interference from the media and other outside parties,” the Council of Ministers said in a statement late Thursday.

### **Surprise resignation**

O'Brien's visit followed the surprise resignation of German investigating judge Siegfried Blunk, who quit on October 9 claiming the perception of political interference by the government in Cases 003 and 004 had made his role untenable.

Over the past year senior officials including Prime Minister Hun Sen have said Cases 003 and 004 – which involve five former Khmer Rouge each accused of responsibility for tens of thousands of deaths – would not be allowed to proceed.

Blunk and You Bunleng, his Cambodian counterpart in the Office of the Co-Investigating Judges (OCIJ), have been widely condemned for a string of legally dubious rulings surrounding Cases 003 and 004.

The two have also been accused of deliberately undermining their investigations into those cases at the government's behest, and using the flimsiest of reasons to exclude civil parties.

### **Violated duties**

Rights groups, trial observers and survivors of the Khmer Rouge said the UN must investigate the OCIJ's actions if it wishes to salvage the court's reputation. Human Rights Watch said the two judges had "egregiously violated their legal and judicial duties".

However O'Brien has given no indication the UN will order an investigation. UN spokesman Lars Olsen said O'Brien would return to New York having gathered information on what had happened, implying that a decision would be taken at some later point.

Among those O'Brien met during her trip was Ou Virak, the president of the Cambodian Center for Human Rights (CCHR). He said O'Brien's statement condemning government interference did not go far enough.

"My problem with it is that it referred to political statements by the government," he said. "We need to make sure that the UN is pushing for complete independence of the court, and therefore not just statements being made public, but (that) any sign of interference by the government should be unacceptable – and that to me is what was missing."

### **Fallout**

Ou Virak said the tone of his meeting indicated the UN did not want an investigation into the OCIJ, with UN staff seemingly focused on the fallout such a probe might have on the pending trial of the senior leaders of the Khmer Rouge.

He said he was "not at all encouraged" that the UN would look to investigate.

Earlier this week the tribunal announced that the trial proper of the surviving leaders – known as Case 002 – would start on November 21, with evidence being presented from November 28.

The case against the four has been described as the most complex since the Nazi trials at Nuremberg after World War II.

The elderly defendants deny charges of genocide, crimes against humanity and war crimes, and stand accused of responsibility in the deaths of up to 2.2 million people during the Khmer Rouge's 1975-79 rule.

The four are: Nuon Chea, who is known as Brother Number Two and was the deputy to the movement's late leader Pol Pot; head of state Khieu Samphan; foreign minister Ieng Sary; and his wife, social affairs minister Ieng Thirith.

**Alzheimer's**

They are aged between 79 and 85, and suffer from a number of health problems. Ieng Thirith, who is thought to have Alzheimer's disease, may yet be found unfit to stand trial.

On Thursday the court heard evidence about Ieng Thirith's mental state, with experts agreeing she had dementia. The prosecution and lawyers for civil parties, however, told the bench they believed her condition was not sufficiently severe to warrant charges being dropped.

The tribunal is expected to rule on that in the coming weeks.

In its first case the court last year sentenced the Khmer Rouge's security chief, Comrade Duch, to 30 years after finding him guilty of war crimes and crimes against humanity for his role in the deaths of more than 12,000 people. Duch has appealed against his conviction.